[Shri Khurshid Alam Khan]

with it. Terrorism has been there for centuries, but the dimensions have now enlarged so much that it has become an international danger and now the international community has to think that it is not a question of one country or two countries or a few countries or only one region. It is a question of the whole world and just as we can be potential victims of nuclear weapons, similarly terrorism can cause damage to any country, to any part of the world. Therefore, it has to be taken very seriously at the international level. As I mentioned earlier, the matter is already under consideration of the United Nations, but the only problem is that there are differences of opinion in the United Nations and most of the things are decided on the basis of consensus. I hope, realising the importance, realising the urgency of the matter, they will come to a consensus and come to some agreement and some sort of international agreement will be there for dealing with the problem of terrorism. Almost the same thing was repeated by Mr. Matto and I would also like to assure him that we are very anxious and concerned about this matter and all our Missions have been advised and alerted that they should keep in touch with these developments and inform this country.

The case which has been filed against those four five is pending and, most probably it will be taken up for hearing sometime in September. But the exact date is not yet known. So, this is, briefly, what I wanted to say in reply to the various queries made by the hon. Members and I think I have been able to give answers to all the queries.

THE STANDARDS OF WEIGHTS AND MEASURES (ENFORCEMENT) BILL, 1984

THE MINISTER OF FOOD AND CIVIL SUPPLIES (RAO BIRENDRA SINGH): Madam, I beg to move:

> "That the Bill to provide for the enforcement of the standards of weights and measures established by or under the Standards of Weights and Measures Act, 1976, and for matters connected therewith or incidental thereto, be taken into consideration."

Madam, India has made very rapid progress in the fields of science, technology and commerce, but we are lagging in the field of metrology. The Act of Standards of Weights and Measures was passed by Parliament in 1956. At that time the matter for enforcement was under the State List in the Constitution and the States were requested to pass enactments to enforce this measure. Afterwards the standards were revised and international units were adopted. There was a new development. At that time it was thought necessary to revise the standards of weights and measures in India also accordingly and in 1976 another Act was passed laying down standards of weights and measures. It was a revised system of metric units. The States were again requested to enact legislation to enforce the weights and measures because at that time the subject had not come under the Concurrent List. But, after the 42nd Amendment in 1976, this subject was transferred to the Concurrent List and since then there has been the thinking that there should be a uniform Act for enforcement of the standards of weights and measures in the country. Earlier, the States, at the instance of the Centre, passed some

laws but very few States responded. It was only six States and Union territories which passed legislation for enforcement and now, fortunately, we have been able to come to a stage where I am placing this Enforcement Bill before this House. It is high time we also adopted an international system. This will not only help us in our trade and commerce but will also look after the health of our people. As it is, at present, even the most sophisticated gadgets and implements are not subjected to any standards and checks. Take, for instance, thermometers or blood pressure gauges. There is no way to check whether they are correct. And anybody can produce these things according to what they think is the correct measure in the matter. We have no way of references, no law to control production of these things and, even in the matter of trade we find that the manufactured commodities are at a disadvantage as compared to products of advanced countries. Because we are not strictly applying the international standards of units in our industry and commerce, I hope, hon. Members would agree that this is a measure which has been long overdue and considering the importance of this Bill they would pass it as soon as possible.

Thank you, Madam.

The question was proposed.

THE VICE-CHAIRMAN (SHRIMATI KANAK MUKHERJEE): Members who want to speak may speak. After that the Minister will reply. Mr. Poddar.

SHRI RAMENDRA KUMAR PODDAR (West Bengal): Madam Vice-Chairman, this is a very good and desirable piece of legislation. I agree with the Minister that it was long overdue. So, although I belong to Opposition, in fact, I am not opposing it. I am heartily supporting it.

Madam, in our country the poor producer, the peasant, the landless person or the small or poor peasant who is mostly illiterate, is doubly cheated by wrong weights and wrong measures and non-standard weights and measures. Whenever he wants to sell something, he is cheated. And whenever he wants to buy something, then also he is cheated. So, weights and measures should be standardised. If this law is really enforced all over the country, it will at least prevent the exploitation of the poor people to a great extent.

This question of standardisation of weights and measures has always received attention of national leaders all over the ages. Whenever they wanted to modernise, this question appeared. You know, Madam, when the feudal Europe was making a transition to modern Europe, democratic Europe, at the time of the French Revolution, one of the first action of those leaders was to declare a decree on the standards of weights and measures based on decimal system. We also in India, when we achieved the Independence and made a transition from the smi-feudal to a more democratic set-up, enacted similar laws. And it is in the fitness of things that we do not delay too much because it was a contribution of India. The whole modern weights and measures system, the centrigrade or centimetre or gram units or kilogram, the metric system is all based on decimal system. It was a significant contribution of ancient India to world of science.

So, there is nothing to oppose in this Bill. But the question is why is after 35 years these Acts are not being implemented or enforced all over the country. It is because, you know, Madam, there must be a social urge, a social necessity. The people must be involved. If you have a popuation, of which only 34 per cent are literate and 66 per cent illiterate, how can they know, how can they feel, that they need a standardised system of weights and measures? So unless you take a parallel step to educate the whole people at least to make them literate and assign some more funds for education, which is at present barely 1 per cent, these

[Shri Ramendra Kumar Poddar]

good laws will continue to remain only on paper like many other good laws in our country. So, I should ask the Government, through you, to take this matter seriously that mere passing of good laws will not bring our country to the 21st century with any degree of modernity unless we really help the people to become educated and feel the necessity of such modern things.

The Minister has also stated that only six States have some kind of a law like this for enforcement. But why only six States? The Minister has not explained. This Act provides that you have to appoint Inspectors, Deputy Inspectors,, Controllers and so on and so forth. And the States are already short of funds; they are starved of funds. So unless you also divert more funds to the States, they would continue to disregard this kind of legislation and put these things in cold storage. So just by making laws you are not helping anything.

Also in this law I find that the penalty provisions are very lenient, say, a fine of Rs. 500 or Rs. 1000 or one year's imprisonment for violation of the provisions of this law. I would urge that the penalties must be made more stringent. At least these penalties should be doubled.

I think all sections of the House will heartily cooperate with the Minister and endorse this Bill. But we would request the Minister to take the subsidiary action, parallel action, that has to be taken to make these laws effective in our country. Thank you.

SHRI BIR BHADRA PRATAP SINGH (Uttar Pradesh): Madam Vice-Chairman, I thank the hon. Minister for this enforcement Bill because as a lawyer I find the Bill quite interesting. It is both preventive and punitive. We thought that after Lord Macaulay's Indian Penal Code, probably there was no genius in this country, who could bring a suitable penal law. But I find that in this Bill at least a very comprehensive attempt has been made to plug all the loopholes. So I congratulate him that at least here is one genius who has brought a Bill which will make it enforceable.

Now an Opposition Member has just put a question why after 35 years we have brought this Bill. May I remind him that we have been making attempts since a long time back. It was in 1870 when for the first time the Weights and Measures Act was enacted, but it was struck down by the Queen. The next year in 1871 the Local Measures Act was adopted. Then in 1889 the Measures of Length Act was enacted. Then in 1939 the Standards of Weights Act was enacted specially after the Government of India Act 1935. Then in 1956 at the instance of Pandit Jawaharlal Nehru, for the first time, by standards of Weights and Measures Act we adopted the metric system which provided a kind of uniformity looking to the international standards. But, of course, it was not sufficient. That is why in 1976 a Bill was brought to improve it and today we find an enforcement Bill.

An hon. Member has said that there should have been no lenient view so far as punishment is concerned. But my learned friend forgets the argument that he himself raised. We can have this Bill for dealing with two types of persons. Firstly.

[The Vice-Chairman (SHRI SANTOSH KUMAR SAHU) in the Chair]

cheating by those traders who use short weights and false measures, the petty traders, could not be put to longer punishment. After all, they are small people doing small business, committing small thefts. Of course, every theft is bad and I do not mean to say that they should be tolerated. But the degree of penalty should

differ from crime to crime and circumstances to circumstances. Therefore, you have made suitable provision in the Bill for such petty traders and have provided smaller punishments. The difficulty is with the big business with whom it is a tough job, because the violation is done by the upper level people and it is deliberate and planned. The methods employed by them are very subtle and the rate of bribery is very high. The Bill has taken precautions on those cases. Then, the foreign traders are also taken care of because we are losing our credit owing to their malpractices. Samples are provided and weights are taken but when actually the goods reach other countries, the buyers there find that the goods are underweighed. Naturally, it makes us lose our international credit. But the main evil of this underweighing and undermeasuring is it is generating a lot of black money to the tune of 15000 per year which is affecting our economy very badly. So far as the preventive measures are concerned, you have provided for search, seizure and forfeiture. You have also provided for a licensing system without which it was very difficult to find or detect the erring traders. With the introduction of licensing system, it will not be easy for the traders to get away with underweighing and undermeasuring. Not only the private individuals, but Government officials and even corporations are brought within the purview of this Bill. You have also provided summary trials. You have tried to establish a complete collaboration between the Central and State Governments. But still I have a small suspicion or doubt and I request you to clear it. Deterrent punishments have been provided. But I do not know what can be termed deterrent. The quantum of punishment always differs from crime to crime and from judge to judge depending upon the consideration and attitude of the judge deciding the case. Of course, you have dealt with that sort of problem also in the Bill. With this Bill I believe many of the evils can be checked, many penal circumstances have been considered with varying degrees of punishment. The Bill is both preventive and punitive and it can cure the evil of underweighing and undermeasuring. In the international market, in the international field where we are losing our reputation, we should now be able to resurrect our image and our exports should pick up very fast. The three purposes—international relations, international trade for teaching and for scientific work—can be fully served by this Bill and I thank you, Mr. Minister, once again for bringing such a comprehensive Bill for the first time dealing with all aspects, all procedures and also dealing with all punitive measures. I believe the Bill will achieve the desired results. Thank you.

SHRI P. BABUL REDDY (Andhra Pradesh): Mr. Vice-Chairman, Sir, I thank you very much for the opportunity given to me to make a few observations with regard to this Bill.

Sir, this Bill is a wholesome measure and there cannot be two opinions about its necessity. But this has been brought forward before this House under very peculiar circumstances. Normally, no Act would be passed to enforce another Act because that Act itself would contain provisions for the enforcement either penal provisions or other provisions. But this has been brought forward under peculiar circumstances. Parliament passed the Act in the year 1976 providing for the standards of weights and measures. But, unfortunately at that time, Parliament had no power in respect of the enforcement aspect and the States had to do that. Some States moved tardily and some other States did not move at all. So, nearly ten years afterwards, after the Forty-second Amendment, Parliament is empowered to deal with the enforcement aspect also. This Bill, for the enforcement of the Act passed in the year 1976, has to be

[Shri P. Babul Reddy]

brought forward before this House now. I was searching in the Parliament Library for some information on this and I found a very interesting thing. It was exactly ten years before, that is, on the 25th of July, 1975, the 1976 Act, which has become the Act now, was introduced in the form of a Bill in the Rajya Sabha by Shri A. C. George, the then Minister for Industry and Civil Supplies. Exactly ten years afterwards, that is, on the 25th of July, 1985, we are now dealing with this matter and it is a very *curious coincidence that the earlier* Bill was introduced in the Rajya Sabha on the 25th July, 1975. But the unfortunate aspect which I would like to point out to you is that this menace of false weights and false measures is very much prevalent in our country. Even today, Sir, 90 per cent of the retail transactions are being carried on with the help of the traditional balance, with a scale on each side and a long arm in between, and this is the source of a lot of corrupt practices. I am very sorry to say here one thing. I have spent most part of my life in the courts and the courts also have adopted this as a symbol of justice.—I mean, the scale, the traditional balance. Our Supreme Court also has adopted it and its building is modelled on the same thing. Unfortunately, this menace of false measures and false weights is prevalent very much in the country and this menace of false measurement is creeping in there also. Now, I think it is time to provide for some other device, scientific device, a better scale to be used, even by a common man in the village. It is better to think of providing a more scientific instrument to deal with this menace. In the year 1973, a Committee called the Maitri Committee was constituted to go into this menace of false measures and false weights. The Committee made visits and inspected a number of weights and measures and the Committee found that sixty per cent of the weights and measures were false weights and false measures. They went for checking the weights and measures and the people knew that the Committee was coming for checking. Yet this was the state of affairs, the sorry state of affairs then. What a great loss to the consumer! The Committee also estimated that the consummers' loss would be, if it is one per cent error, about Rs. 300 crores per annum and this is only in retail sales! If the wholesale transactions are also taken into account, it would be about two thousand crores of rupees even in the year 1975! So, this is the loss to consumers, though it looks like a small thing, it is really a great menace and it has adverse effects and it adversely affects everybody. But, unfortunately, all these ten years we have allowed it. As I said earlier, from the 25th July, 1975 to 25th July, 1985, this thing has been going on unchecked.

There is also another aspect which this Committee had pointed out. These false measurements are leading to a great loss of revenue for the State and they had estimated that about a hundred crores of rupees would be lost because of these false measures and false weights. It was estimated in the year 1975 itself that these false measures and weights would be a source of generating 1800 crores of rupees as black money per annum. So, this is a great menace which should be put down with a heavy hand. There are certain commodities in which this menace is greater. For example, take cement. The Maitri Committee has pointed out that in the case of cement, a bag contains 45 kilograms of cement instead of 50 kilograms. I would like to say that the punishment provided is very simple for such a thing. It should be more deterrent. Take Section 54. A person who manufactures and sells false measures or weights is to be punished with imprisonment or fine up to Rs. 2,000

It should be imprisonment. A man who produces false measures or weights and sells them should not get away with fine only. It should be imprisonment alone. Take adulteration. If a milkman sells milk adulterated with water, it is not dangerous. But the minimum punishment for him is imprisonment. A man who manufactures and sells false measures and weights is not given imprisonment. He gets away with fine.

RAO BIRENDRA SINGH: It is not for manufacturers.

SHRI P. BABUL REDDY: Whoever sells, delivers or disposes of or causes to be sold, delivered or disposed of any weight or measure—this is what is written. Now, a manufacturer sells to the wholesaler, the wholesaler sells to the retailer and he sells to the customer. Even for the first sale, the punishment is the same. Then comes section 63. The cognizance of the offence can be taken by an Inspector. An Inspector alone can initiate proceedings. There is another provision to which I want to draw the attention of the House. In Section 58, if an Inspector orders search or raid with the motive of corruption or some such thing and seizes weights or measures or movable property, the punishment is with imprisonment or fine. When I was reading the Bill, this thing struck me. I feel that an Inspector who orders search or raid maliciously should be imprisoned. The punishment should be more deterrent. There should be no fine alone. Imprisonment should be given to him. With these observations, I finish my speech.

श्री कल्पनाथ राय (उत्तर प्रदेश) : आदरणीय उपसभाध्यक्ष महोदय, सरकार जो यह विधेयक लाई है, इसका मैं स्वागत करता हूं, समर्थन करता हूं। इस कानून के बन जाने के बाद हमारे देश के अन्दर जो नाप-तोल में धांधली होती है वह बहुत हद तक रुक जायेगी। यह खुशी की बात है कि सरकार ने सन् 1976 में जो कानून बनाया था उसको इसलिये नहीं लागू कर सकी कि यह नाप-तोल का विषय कंकरेन्ट लिस्ट में नहीं था, लेकिन 42वें एमेंडमेंट में यह विषय कंकरेन्ट लिस्ट में आ गया है, इसलिये पूरे देश के पैमाने पर नाप-तोल का सिद्धांत लागू किया जायेगा। मैं मन्त्री महोदय का स्वागत करता हूं। मैं यह कहना चाहता हूं कि नाप-तौल के मामले में जिस तरह की धांधली होती है वह किसी से छिपी हुई नहीं है। अगर कोई किसान सीमेंट खरीदने के लिये जाता है तो उस को सीमेंट का एक बोरा 75/ रु० में मिलता है, लेकिन पूरे बोरे में 5 किलो
5 P.M. सीमेंट कम होता है और अगर उसके घर पर लायेगा तो उसमें पांच किलो और कम हो जायेगा। इसी तरह से फर्टिलाइजर खरीदने के लिये कोई किसान जाये, सीमेंट खरीदने के लिये जाये या लोहा खरीदने के लिये जाये, हर चीज में इतनी ज्यादा धांधली है जिसके बारे में जो कुछ भी कहा जाये वह कम है। सभी मेम्बर पार्लियामेंट, संसद सदस्य जो गांवों में काम करते हैं, वहां की आम जनता उनसे इस बात की शिकायत करती है। नाप-तौल के बारे में इसमें पनिशमेंट की जो व्यवस्था है वह व्यवस्था इतनी कड़ी नहीं है जितनी कि होनी चाहिये। आदरणीय उपसभाध्यक्ष महोदय, मैंने दुनिया के कई देशों में देखा है कि मिलावट करना वहां सबसे बड़ा अपराध माना जाता है। जो खाने-पीने की चीजों में मिलावट करते हैं उनको कड़ा से कड़ा दंड दिया जाता है। लेकिन हमारे मुल्क के अन्दर इस तरह की व्यवस्था नहीं है। परिणामस्वरूप इस समय कोई भी चीज ऐसी नहीं है जो एडल्टरेटेड न हो। इसी तरह से नाप तौल का जो सवाल है, खरीदने और बेचने का जो सिलसिला है उसके अंदर कंज्यूमर्स, उपभोक्ता को सामान खरीदना पड़ता है और जो बाजार भाव होता है, उस हिसाब से, ठीक नापतौल के हिसाब से अगर उसको सामान न दिया जाये तो उसको भारी नुकसान उठाना पड़ता है। जो छोटे कर्मचारी हैं या छोटे किसान हैं या छोटे तबके के उपभोक्ता हैं, जिनकी आमदनी कम है और उनका परिवार बड़ा है तो इस तरह से जो सामान वह बाजार से खरीदते हैं तो ठीक नाप-तौल से जितना सामान उनको मिलना

[श्री कल्पनाथ राय]

चाहिए उतना सामान उनको नहीं मिलता है । उनको बहुत नुकसान उठाना पड़ता है । जो व्यक्ति इस तरह की धांधली करता है, वह अपराध करता है । इसलिये जो व्यक्ति ठीक से तोलकर नहीं देता है उस व्यक्ति को कड़ी से कड़ी सजा देने की व्यवस्था होनी चाहिये । आदरणीय उपसभाध्यक्ष महोदय, इस कानून में जो चीजें आई है

In 1956, Parliament enacted the Standards of Weights and Measures Act, 1956 with a view to replacing the bewildering varieties of weights and measures in use in the country by standards based on the metric system. For the enforcement of these standards, the States enacted laws applicable to their respective territories.

इस ऐक्ट के बन जाने के बाद बहुत से प्रांतों ने इसको अपने प्रदेश में लागू नहीं किया क्योंकि यह कंकरीट लिस्ट नहीं था । परन्तु 1976 में जो कानून बना उसमें वैटस और मेजर्स के स्टैंडर्ड का जो सिद्धात है वह पूरे देश पर लागू हुआ और इस कानून के तहत इसका इन्फोर्समेंट किया जायेगा । यह विधेयक बड़ा ही सराहनीय है और इस सराहनीय कदम के लिये हम सरकार की प्रशंसा करना चाहते है । विशेष रूप से राव बीरेंद्र सिंह जी की जिन्होंने इस विधेयक को सदन के सामने प्रस्तुत किया है। लेकिन मैं आदरणीय मंत्री जी से कहना चाहूंगा कि इन्फोर्समेंट एजेंसी वैज्ञानिक आधार पर गठित की जानी चाहिये । ऐसा न हो कि इन्फोर्समेंट ही न हो पाये । हमने देखा है कि मिलावट रोकने के लिये जो एग्रीकल्चर डिपार्टमेंट की तरफ से अधिकारी पूरे देश के अन्दर है, वे खुद मिलावट करने वालों से मिले रहते है और उनका कमीशन बंधा रहता है । बाजार में जो इंसपेक्टर है उसको पहली तारीख को 10 हजार रुपया मिल जाता है । वे जिस प्रकार की भी मिलावट करें लेकिन उसको पहली तारीख को पैसा मिल जाना चाहिये । यह हमने देखा है । गांवों में जो काम करने वाले संसद सदस्य है चाहे वे हमारी पार्टी के हों चाहे उधर की पार्टी के हों वे इसको जानते हैं। हम देश में मिलावट को इसलिये नहीं रोक पा रहे हैं क्योंकि फूड एडल्टरेशन को रोकने के लिये जिस एजेंसी का निर्माण किया गया है, जिन एजेंसियों को केन्द्रीय सरकार ने बनाया या प्रान्तीय सरकारों ने बनाया है, वे खुद एडल्टरेशन में हिस्सा लेती हैं और वे एडल्टरेशन कराते है और इस कारण से पूरे देश के पैमाने पर यह मिलावट की बीमारी फैल रही है । इसलिये जो एजेंसी आप बनाने जा रहे है, वैटस एंड मैजर्स के इन्फोर्समेन्ट के लिये वह इसको पूरे देश के पैमाने पर इसको इम्प्लीमेन्ट करेगी । इसलिये आप इस एजेंसी को इस ढंग से संगठित करें ताकि वह खुद ही फर्जी वेट्स और फर्जी मेजर्स बनाने और उसके काम-धंधे में लिप्त न हो जाये । क्योंकि हमने एडल्टरेशन के मामले में देखा है कि जितनी मिलावट हिन्दुस्तान के अन्दर है, इतनी दुनिया के किसी भी देश में नहीं है । इसके कारण हमारी रोजमर्रा की जिन्दगी में इतनी बीमारियां फैल रही है । अस्पताल हैं नहीं । बाजार में हर चीज में मिलावट होती है । इसके परिणामस्वरूप देश का स्वास्थ्य भी गिरता जा रहा है । व्हेट्स एंड मेजर्स से हिन्दुस्तान की करोड़ों जनता का सम्बन्ध है। बहुत से लोग ऐसा सामान बनाते हैं नाप-जोख भी उस पर फर्जी होता है । बहुत सी कम्पनियां सामान बना देती हैं लिख देती हैं कि किलो है, विवंटल है लेकिन वास्तव में उतनी मात्रा में वह नहीं होता है मैं यह चाहता हूं कि जो इस तरह की फर्जी कम्पनियां नाप-तोल बना कर बेचती हैं उनको कड़ी सजा दी जानी चाहिये । लाइसेंस सिस्टम का केन्द्रीय सरकार के नेतृत्व में मानिटेरिंग किया जाना चाहिये और यह भी देखा जाना चाहिये कि देश के अन्दर व्हेट्स एंड मेजर्स का जिन लोगों को लाइसेंस दिया गया है उन्हीं के माध्यम से वे बेंचे जाते हैं और ठीक ढंग से जनता के पास जाते हैं । आदरणीय उपसभाध्यक्ष महोदय, मैं राव बीरेंद्र सिंह जी को देश की आम जनता की तरफ से धन्यवाद देना चाहता हूं । उन्होंने व्हेटस एंड मेजर्स के कानून को पूरे देश के पैमाने पर लागू करने के लिये जो विधेयक लाया है इस विधेयक से पूरे देश की आम जनता का राहत मिलेगी और जो देश में धांधली नाप-तोल के माध्यम से मची हुई है उसकी पूरी रोकथाम होगी । आदरणीय उपसभाध्यक्ष महोदय, यह ओब्जेक्ट्स एंड रीजंस में भी लिखा हुआ है :—

"The 1956 Act and the corresponding enforcement legislations were based on the then current international practices. Subsequently, the General Conference on weights and Measures, the international body which takes policy decisions on metrological standards, recommended for adoption by the signatories of the Metre Convention, the international System of Units, which is a modernised and developed form of the metric system. Another international body, namely, the International Organisation of Legal Metrology recommended a draft legislation on Weights and Measures for adoption by the member-countries, India being a signatory to both the Metre Convention and the Convention establishing the OIML, is expected to implement the recommendations of these two international bodies. The Central Government, therefore, set up an expert committee to suggest changes in the existing laws with a view to bringing them in line with the latest international trends and also removing the deficiencies which had been revealed in course of their implementation. After going into the matter in depth the committee suggested the replacement of the 1956 Act as well as the enforcement laws of the States.

Parliament enacted the Standards of Weights and Measures Act, 1976 to replace the Standards of Weights and Measures Act, 1956, with a view to modernising the system of weights and measures in the country. This new Central Act of 1976 necessitated revision of the enforcement laws of the States. Hence, a draft Bill for a new enforcement legislation was circulated to the States. But only a few States have so far taken action for adoption of the Bill.

The enforcement aspect of weights and measures which was earlier in the State List was transferred to the Concurrent List by the Forty-second amendment to the Constitution. As mentioned above, majority of the States have not taken action for the revision of their enforcement legislation. Consequently, the enactment of a comprehensive legislation for the enforcement of the standards established by the 1976 Act has become an urgent necessity. Further, a Parliamentary law for implemention of the modern system of weights and measures would ensure countrywide uniformity not only in the enforcement procedures but also in the scope and coverage of legal control on weights, measures and weighing and measuring instruments."

आदरणीय उपसभाध्यक्ष महोदय, केन्द्रीय सरकार के द्वारा जो इन्फोर्समेन्ट लागू करने के लिये जो यह विधेयक लाया गया है उसके लिये मैं देश की आम जनता की तरफ से स्वागत करता हूं और हम उम्मीद करते हैं कि इन्फोर्समेंट एजेंसी पूरे देश के पैमाने पर इतने कारगर ढंग से काम करेगी जिससे कि व्हेट्स एंड मेजर्स सही ढंग से देश के अन्दर होंगे और जो फर्जी व्हेट्स रखने वाले हैं उनको कड़ी से कड़ी सजा दी जायेगी। हम यह चाहते हैं कि उपभोक्ताओं को जो सामान मिले वह ठीक ढंग से मिले और नापतोल के सम्बन्ध में धांधली करने वालों को चाहे वे जो भी हों कड़ी से कड़ी सजा की व्यवस्था की जाए तभी हम अपने देश के उपभोक्ताओं के हितों की रक्षा कर पायेंगे। इन्हीं शब्दों के साथ हम राव वीरेंद्र सिह जी का स्वागत करते हैं और इस बिल का समर्थन करते हैं।

SHRI YALLA SESI BHUSHANA RAO (Andhra Pradesh): Mr. Vice-Chairman, Sir, this is a welcome Bill long overdue. I welcome the various clauses in the Bill. But, whatever the ambitions and aims, the difficulty comes when we implement the Bill because our officials and enforcing agencies aer not strict and are not vigilant in this aspect. It is a right bill at the right time though it was long overdue. There are so many ingenious ways that the trade cultivate in weighment to cheat the poor consumer. Even small traders adopt these measures to cheat the consumer who purchase things in small quantity. Recently, there was a survey conducted by a journalist in this respect and it was noticed that even the seals on the weights are not genuine.

[Shri Yalla Sesi Bhushana Rao]

These seals look like the seals put by the Directorate but in fact these are imitated seals. So, a periodical check is necessary to see the correctness of the seals. Traders are thus fooling the authorities and small consumers also. Likewise, they also use some magnets on their scales so that while weighing, the consumer does not get material of correct weight. There are so many other mischievous ways adopted. My request to the hon. Minister is to check these practices. There is need for strict checks.

The Bill suggests summary trial. I would suggest that summary trial should not only be there in case of this offence but it should also be there in cases of food adulteration and offences under the Essential Commodities Act and there is need for a special court to try such offences so that speedy justice is ensured. It is a menace to the society and implementation of this provision has to be looked into carefully. I welcome this Bill. Thank you for the opportunity given to me.

श्री प्यारेलाल खंडेलवाल (मध्य प्रदेश) : उपसभाध्यक्ष जी, मैं इस बिल का स्वागत करता हूं। माननीय मंत्री जी ने यह बिल इस सदन के समक्ष रखा है । 1976 से अभी तक राह देखते-देखते थक गए थे लेकिन मंत्री जी बधाई के पात्र हैं कि 10 वर्ष के बाद ही क्यों न सही लेकिन इस बिल को लाये हैं। हमारे देश में एक बहुत पुरानी कहावत है कि "पूरा दे, पूरा ले"। लेकिन दुर्भाग्य यह है कि शोषण की वृत्ति ने इस "पूरा दे, पूरा ले" के सिद्धांत को लगभग समाप्त सा कर दिया है। न तो कोई पूरा देता है और न कोई पूरा लेता है । हमारे देश की 34–35 प्रतिशत आबादी अभी भी अशिक्षित है, अज्ञानी है, उनका पूरा शोषण इस नाप-तोल के कारण होता है ।

उपसभाध्यक्ष जी, अभी जो नयी पद्धति नाप-तोल की लाग् करने की बात की जा रही है, यह दाशमिक पद्धति, अन्तर्राष्ट्रीय पद्धति के अन्तर्गत है और चूंकि भारत उन हस्ताक्षरकर्ता देशों में से है जिन्होंने इस पद्धति को स्वीकार किया है शुरू से इसलिये हम उसी को अपने देश में स्वीकार करने जा रहे हैं।

मैं मंत्री जी से 2-3 बातें कहना चाहूंगा जिनकी तरफ सरकार का ध्यान बहुत जरूरी है। एक तो निरीक्षक नियुक्त किये जायेंगे इस सारी व्यवस्था की देख-रेख करने के लिए । सब लोग इस बात से अच्छी तरह से परिचित हैं, माननीय मंत्री जी भी, कि जब तक सरकारी मशीनरी मे कर्तव्यनिष्ठ और ईमानदार लोग नही होंगे उनका भी हाल वही होगा जो और लोगों का होता है। मैंने एक स्थान पर थोड़ा सा सर्वे करवाया था। दो-चार गांवो के बीच एक बाजार लगता है और व्यापारी, छोटे आदमी का, आदिवासी का, छोटे किसानों का शोषण किस तरीके से करते हैं कि तराजू के नीचे के हिस्से में एक किलो में 5वा हिस्सा उसके नीच चिपका देते हैं । अर्थात् 5 ग्राम व 5 प्रतिशत ज्यादा तौल देते है लेकिन जब दिया जाता है तो 5 प्रतिशत कम दिया जाता है । यह प्रवृत्ति केवल व्यापारियों की है, ऐसी बात नही है । अभी कुछ समय पहले सीमेंट कार्पोरेशन आफ इंडिया का एक समाचार छपा था, नया गांव में, सीमेंट कार्पोरेशन की वह फैक्ट्री है। उसके जितने बैग तोले गए उन प्रत्येक में से दो किलो, तीन किलो, चार किलो तक सीमेंट कम निकला है। यह प्रवृत्ति निजी क्षेत्रों में भी है, यह सरकारी और अर्द्ध-सरकारी क्षेत्रों में भी है। फूड कार्पोरेशन आफ इंडिया का भी यही हाल है ।

इसलिये मैं आप से यह कहना चाहता हूं कि नाप-तोल की दशमिक पद्धति अच्छी आ रही है, इससे अगर नाप-तोल समान हो जाए, तो बहुत अच्छी बात है, लेकिन जो मशीनरी नियुक्त की जाएगी, वह कितनी कर्तव्य-निष्ठ और ईमानदार होगी, इसकी चिंता सरकार को करनी पड़ेगी ।

दूसरी बात, कम नाप-तोलने वालों के लिये दण्ड देने का प्रावधान आपने रखा है। जो रखा है, वह भी अगर ठीक ढंग से पालन हो जाए तो भी ठीक है। यद्यपि, यह सजा कम है, लेकिन मान लीजिए यही रखना है, तो एक तो यह देखा जाना जरूरी है कि निर्दोष लोग सताये न जायें। यह भी मैंने देखा है कि निर्दोष लोग बहुत सताये जाते हैं और जो दोषी हैं, वह छूट जाते हैं, भ्रष्टाचार बहुत व्याप्त हो गया है। आज भी नाप-तोल के इंसपैक्टर हैं, लेकिन देखने में आता है कि नाप-तोल के इंसपैक्टर

ईमानदार लोगों को तंग करते हैं और बेईमान आदमी छूट जाते हैं । अभी माननीय सदस्यों ने भी कहा है कि वह रिश्वत लेते हैं और बेईमान लोगों को छोड़ देते हैं ।

यह दो-चार बातें हैं जिनका ठीक तरह से पालन हो जाए, तो अच्छा है । जहां तक इस कानून का सवाल है, जो अधिनियम, जो विधान आप ला रहे हैं, इसका हम स्वागत करते हैं और इतना ही मैं कहता हूं कि चाहे दस साल के बाद आप बिल लाए हैं, लेकिन बहुत अच्छी बात है । इससे निश्चित रूप से आम लोगों को लाभ होगा ।

SHRI GHULAM RASOOL MATTO (Jammu and Kashmir): Mr. Vice-Chairman, Sir, I rise to Support this Bill. This is a very fine piece of legislation and even if it has come late, it is better late than never. I will confine myself to certain observations made in the Bill. It has been stated in the Statement of Objects and Reasons:

> "....majority of the States have not taken action for the revision of their enforcement legislations."

It has also been stated:

> "Further, a Parliamentary law for implementation of the modern system of weights and measures would ensure country-wide uniformity not only in the enforcement procedures but also in the scope and coverage of legal control on weights, measures and weighing and measuring instruments."

In 1976, the measure was put in the Concurrent List. Since then, as has been mentioned in the Statement of Objects and Reasons, only a few States—six States—have enacted legislation the other States have not done it. Sir, in this Bill, I find one lacuna. This is found in the Financial Memorandum. It states: I quote:

> "As a result of wider scope of the Bill, additional responsibilities will be cast on the enforcement machinery in the States. More officers and staff will have to be appointed for proper enforcement."

Mr. Minister ,I am afraid, if the financial burden in the case of the enforcement machinery has to be borne by the States, adequate measures should be taken right now to see that the States make financial provision for the enforcement, of the law because, in the garb of financial constraints—as it is, the States are clamouring for more funds—this Act may not become counter-productive and they may not enforce it, as in the case of the earlier Bill. This point needs to be looked into because to my mind, this is a very great lacuna in this.

The second point which I want to make is, the Bill provides that the State Government may, by notification, appoint a Controller of Legal Metrology for the State and as many Additional, Joint Deputy or Assistant Collectors, Inspectors, and other officers and staff as may be necessary for exercising the powers. This is a very great responsibility cast on the States. As I said just now, the hon. Minister should see to it that the States constitute the machinery. But you need some Central monitoring agency. No provision has been made for this purpose in this Bill. Even in the labour laws, as you know, there is a Chief Commissioner of Labour at the Centre. He should go to see that the laws are implemented. There is no provision made in this Bill. I suggest that a Chief Controller of Legal Metrology should be appointed to see and monitor the provisions of this Bill. This is important because the States may do something but there may not be a monitoring agency to see that the States are implementing the provisions of the Bill properly.

I have to make another point. Shri Babul Reddy also made the same point about punitive measures. There should be a minimum punishment for those who are making counterfeit weights and measures. That is very essential. The provision made is either punishment or fine. There must be some minimum punishment to enforce these laws.

Now I come to the third point. The hon. Minister is also a Minister of Supplies. Many points have been raised here. For instance, a bag of cement should contain 50 kgs, but weights only 45 kgs. I know that it is not within the purview

[Shri Ghulam Rasool Matto]

of the inspectors of this Bill, but there should be a liaison between the inspectors and officers who enforce these laws. The inspectors can report to the Supply Department that on inspecting such and such place they have found certain bags of sugar or paddy or cement containing less than the actual weight. This will give encouragement to the Supply Department to enforce the law pertaining to these things. My next point is about clause 2 which I have not been able to understand. Clause 2 provides :

> "Nothing in this Act shall apply to any inter-State trade or commerce in (a) any weight or measure, or (b) in any other goods which are sold, delivered or distributed by weight, measure or number."

I feel that this is a welcome measure but I cannot understand why it should apply to only intro-State trade, why it cannot apply inter-State, that is between two States also. The hon. Minister will kindly explain this.

Coming to clause 8, it is a very obnoxious measure. It provides :

> "No suit, prosecution or other legal proceeding shall lie against the Controller, any Additional Controller, Inspector or any other person..."

If there is some corrupt person, if some inspector or controller does something wrong, should he not be sued? Why should he not come under the common law? I think this provision should not be there.

Finally, Sir, there are a lot of measures and weights being used in India which are not metric. I give an instance in the yarn trade. In Amritsar the price of yarn is quoted in pounds. Although delivery is given in 100 kgs. but the price is quoted per pound. I think the Central Government should issue instructions that no quotations should be given in a measure other than metric measure. Some sort of Legislation or rule must be made in this behalf.

Lastly, Sir, metric measures are not being used in villages. Inspectors and Controllers have to concentrate on the business in villages because whatever is done in villages is not done in the metric system of weights and measures. This enforcement machinery should look to the villages more than the cities. In cities the inspectors are there to see that the shopkeepers keep weights and measures, but in the villages the enforcement machinery should be there. With these observations, I heartily support this Bill.

श्री भंवर लाल पंवार (राजस्थान) : उपसभाध्यक्ष महोदय, इस बिल का स्वागत् करते हुएमैं इस बिल का जनता को सही रूप में फायदा मिल जाए, इस उद्देश्य से एक सुझाव देना चाहता हूं कि इस बिल मे ऐसा प्रावधान भी होना चाहिये कि इस एक्ट के अन्तर्गत जिस कार्य के लिए इंस्पेक्टर को ड्यूटी दी गई है, उस ड्यूटी का अगर वह जानबूझ कर पालन न कर, और जो बिल की मंशा है, उसको लागू न करें और जो जनता उन कम तौल के वेंट एण्ड मेजर्स के कारण परेशानी भोग रही है, वह भोगने दें और समय पर जाकर उसकी जांच न करें, तो उस इंस्पेक्टर के लिये भी ऐसी कोई सजा का प्रावधान होना चाहिये । उस इंस्पेक्टर का उच्चाधिकारी कभी भी ऐसी जांच कर लें कि ऐसी कमी लगातार पाई जाती है और उस एरिए में यह बात सिद्ध हो जाए कि एक्ट के प्रावधानों को वहां लागू नहीं किया जा रहा है इंस्पेक्टर की मिलीभगत से, तो मेरा नम्र निवेदन है कि इस प्रकार के इंसपेक्टर को, जो कि अपना पूरा कार्य नहीं करता है, उसके लिये सजा का प्रावधान किया जाना चाहिये ताकि एक्ट की पूरी पालना की जा सके । धन्यवाद ।

SHRI R. RAMAKRISHNAN (Tamil Nadu): Sir, this is a very weighty Bill. on your maiden speech.

SHRI R. RAMAKRISHNAN (Tamil Nadu): Sir, this is a very weighty Bill. Though it runs into more than 32 pages, I think from the brief manner in which most of the Members have chosen to support and welcome this measure, there are

no two opinions about the fact that this was long overdue. It has been stated by the hon. Minister himself in the Statement of Objects and Reasons why this Bill had to be brought in consonance with the international conventions.

Sir, I will start with the point made by Mr. Matto. It is a very important thing. Though more than 30 years have passed by since we switched over to the metric system, even today when you ask somebody his height, he says five feet or six feet. They are still not able to tell their height is one meter and so many centimeters. So we have not got used to the metric system even after 30 years.

AN HON. MEMBER: What is your height?

SHRI R. RAMAKRISHNAN: Well, yesterday I saw in my passport. It is one meter and 85 centimeters or something like that. There was a lot of publicity earlier about conversion to metric system but this has now stopped. It is very essential. When we buy vegetables in the market, we say "give me half a kilo, quarter kilo, or a kilo". We do not say 200 grams, 250 grams or 300 grams. So our mind is not yet attuned to the metric system. This is the first step that Government should first see that the minds of the rural and urban people get attuned to the metric system. I think it is a very good point which the Minister should consider. Side by side, the metric system should be propagated much more and brought into effect.

Now coming to the Consumer Protection Movement, this has not yet gone into full steam in this country like in the United States where they have the Ralph Nadar movement or things like that. So it is very essential that the Government itself, like the big brother, should have the interests of the consumers in mind and it is, therefore, that I welcome such measures provided the enforcement of these measures is good. Many punishments are provided. Even under the Food Adulteration Act severe punishment is provided, but I do not think the Minister, who is also incharge of this, can give a list of the total number of persons who have been sentenced to jail under the Food Adulteration Act.

Very often we see in the newspapers that some merchant or vendor was fined Rs. 2,000 or Rs. 5,000 or sentenced to three or four weeks of simple imprisonment but still no case has come where the food adulterators have got severe punishment. So, if the punishment is to have a deterrent effect it should be severe but I don't think the punishment which has been provided under the various clauses in this Bill is severe enough. Six months' imprisonment or fine of Rs. 2,000 is nothing. I think, at least the punishment should be five years for persons who contravene the Act for the first time and ten years or more for persons who contravene it regularly. That is one thing.

The other thing I would like to refer to is clause 16 on page 6 of the Bill which refers to it inerant vendors. Now, these persons come from the lower strata of society--persons who sell *moongphali* or things like that. They may be exempted from registration but they should use only the measures which are registered and which are properly certified by the authorities. So, the actual measures used by these people should also come under the provisions of this Act. I don't think the Minister will say no.

One more important point. I would like the Minister to come down heavily on the multinational companies, the drug companies and also manufacturers of tooth-paste, etc. Take, for instance, life-saving drugs. The doctor says, take Tetracyclin 250 mg. We, the consumers, cannot know whether the capsule actually contains 250 mg. or not. Once a doctor friend of mine told me that a multinational company, if it saves 10 mg. or 20 mg. on each capsule, how much it should be saving on the whole batch or the whole lot. So, there should be some random checking done on multinationals to see that they enforce this properly—including tooth-paste. They say a tube contains so much tooth-paste But, actually, whether it contains so much paste or just air, only God knows.

SHRI V. GOPALSAMY (Tamil Nadu): Many times it contains air, mostly.

SHRI R. RAMAKRISHNAN: Mr. Gopalsamy is having bad experience of tooth-paste also.... *(Interruptions)*. . It is

[Shri R. Ramakrishnan]

not a laughing matter. I tell you, your Department will do well to come down heavily on such people.

Finally, before I conclude, I would only like to say that in the Bill you have made a provision for making rules. I think you should set up an advisory committee to advise the Government. A committee, if not an appellate body should be set up in the initial stages at least, because there will be so many complaints and cross complaints. There are many Inspectors also. With due respect to him, the Prime Minister himself has said that corruption at lower levels is so much. So, lower level people are likely to be corrupt and sometimes they can also be misused by higher officers against people and people can also say something against the officers. So, some sort of an advisory committee in the initial stages, say, for five years, should be there to go into the various provisions of the Act and some sort of a body of wisdom should be there to help and advise the Government in implementing the Act and this will be a welcome measure.

With these words I support the Bill.

श्री सूरज प्रसाद (बिहार) . महोदय, मैं इस बिल का समर्थन करता हूं । यह बिल '56 में पास हुआ, उसके स्थान पर दूसरा एक्ट '76 में आया, लेकिन अभी भी देखने को यह मिलता है कि जो वेट्स एंड मेजर्स हैं वे पूरे रूप में इस्तेमाल नहीं हो रही हैं। मट्टू जी ने सही कहा कि गांवों के अन्दर अभी जो स्टैंडर्ड वेट्स एंड मेजर्स हैं वे इस्तेमाल नहीं हो रहे हैं। मैं मंत्री जी से कहना चाहता हूं कि सुदूर गांवों में या जंगल के क्षेत्रों में सरकार द्वारा निर्धारित वेट्स एंड मेजर्स इस्तेमाल नहीं हो रहे हैं। गांवों में खेत मजदूर होते हैं जिन्हें मजदूरी तौल कर दी जाती है। मुझे व्यक्तिगत जानकारी है कि पुराने जमाने से जो बर्तन नाप कर मजदूरी देने के हैं वे ही बर्तन अभी भी इस्तेमाल होते हैं । कहीं वह पइला के नाम से पुकारे जाते हैं तो कहीं दूसरे नामों से पुकारे जाते हैं और उन का कोई संबंध सरकारी वेट्स एंड मेजर्स से नहीं है। इस प्रकार से देहाती क्षेत्रों में जो लाखों की संख्या में खेत मजदूर हैं वे इस प्रकार से ठगे जाते हैं और उन्हें उचित मजदूरी नहीं मिलती है । इस लिये मैं सरकार से कहना चाहता हूं कि सरकार को यह भी चाहिए कि जो वेट्स हैं वह सुदूर गांवों में जो किसान हैं या दूसरे लोग हैं उन तक पहुंचने चाहिए और केवल व्यापारियों तक ही उन को सीमित नहीं रहना चाहिए। यह बात सही है कि 1950 से पहले गांवों में जो स्थिति थी वह यह थी कि वहां विभिन्न किस्म के वेट्स ऐंड मेजर्स इस्तेमाल होते थे। आज यह स्थिति नहीं है और यह अच्छी बात है, लेकिन अभी भी काफी जगहों में पत्थर के वेट्स देखने को मिलते हैं। मैं चाहूंगा कि इस तरह के वेट्स जो इस्तेमाल हो रहे हैं वह जल्दी से जल्दी समाप्त किये जायें। सरकार ने इंफोर्समेंट मशीनरी का इस बिल के अंदर प्राविजन किया है। इस में कौन-कौन होंगे इसमें कंट्रोलर होगा, डिप्टी कंट्रोलर होगा और उस के बाद इंस्पेक्टर्स होंगे। मुझे बिहार के बारे में कुछ जानकारी है। राज्य के पैमाने पर वहां एक कंट्रोलर और एक डिप्टी कंट्रोलर होता है और कुछ इंस्पेक्टर्स होते हैं। एक सब डिवीजन में एक इंस्पेक्टर होता है, जहां तक मेरी जानकारी है उस के अनुसार। और एक सब डिवीजन एक जिले के बराबर होता है। कई राज्यों में इसी तरह की व्यवस्था देखने को मिलती है और इसी इंस्पेक्टर को पूरे सब डिवीजन में वेट्स ऐंड मेजर्स के बारे में जानकारी हासिल करनी होती है । लेकिन देखने को मिलता है कि यह काम उन की शक्ति के बाहर की बात है और वह अपनी भूमिका स्टैंडर्ड वेट्स ऐंड मेजर्स के इस्तेमाल के लिये पूरी तरह से नहीं निभा पाता। यह उस की शक्ति के बाहर की बात है। यह भी देखने को मिलता है कि जो व्यापारी है वे स्टैंडर्ड वेट्स ऐंड मेजर्स को घिस देते हैं ताकि उन का वजन कम हो जाय और इस प्रकार वे उन का इस्तेमाल करते रहते हैं। या फिर वे उन के नीचे छेद कर देते हैं और उस का मैटीरियल निकाल लेते हैं और इंस्पेक्टर्स के लिये यह संभव नहीं हो पाता कि सदा उन की जांच की जा सके। हर तीन वर्ष के बाद उन की जांच होती है और तीन वर्ष तक वे जनता को ठगते

रहते हैं और उस के बाद अगर वे पकड़ भी लिये जायें तो कोई बड़ी बात नहीं होती है। तो मैं कहना चाहता हूं कि एक ऐक्ट के आधार पर राज्यों में ऐक्ट बनाये जायेंगे और इंफोर्समेंट मशीनरी को स्ट्रेथेन करने की दिशा में मैं चाहूंगा कि कुछ कदम उठाये जायें और राज्यों को इस तरह के डाइरेक्शन्स दिये जायें कि जो इंफोर्समेंट मशीनरी हो उस को अधिक मजबूत और शक्तिशाली बनाया जाय ताकि कंज्यूमर्स को या दूसरे लोगों को जो नुकसान उठाना पड़ता है उस को कम किया जा सके।

इस ऐक्ट के अंदर जो पेनाल्टी की व्यवस्था है वह सचमुच बहुत कम है। उस पेनाल्टी को कठोर करने की जरूरत है और मैं चाहूंगा कि इस दिशा में मंत्री जी कुछ कदम उठायें।

इन्हीं बातों के साथ मैं अपनी बात समाप्त करता हूं।

RAO BIRENDRA SINGH: Sir, I am very grateful to hon. Members for their very wide support to this Bill. It is gratifying that they have realised the importance of a measure like this. In my statement in the beginning, I admitted myself that an enactment like this should have come before the House much earlier. The Standards of Weights and Measures Act was passed for the second time in 1976. Earlier it was in 1956 that the country, through an Act of Parliament, adopted the metric system. It is not correct to say that no effort was made towards enforcement. As the subject related to the State List, after the 1956 Act the States enacted their laws and the standards were enforced. After 1976, as I have stated, another Act was passed and the States were required to make other legislation. But, as I said, unfortunately there was no enough response. Only six States and Union Territories passed laws. One of them was Himachal Pradesh; another was Jammu and Kashmir; and then there were smaller States like Mizoram, Arunachal Pradesh and Manipur and Union Territories like Lakshadweep. The bigger States in India took no action on this, in spite of the fact that immediately after the passing of the 1976 Act, a model Bill was circulated to all the States.

The main criticism that has come from the hon. Members is that the penalties provided are not adequate. Mr. Poddar, who was the first speaker, said the same thing. Then Mr. Babul Reddy, Mr. Matto, Mr. Kalp Nath Rai, and Mr. Bir Bhadra Pratap Singh, all these friends expressed their concern about the malpractices in vogue and insufficient punishment being provided even in this Bill that we have brought before the House. Sir, we have to see these things in the context of the present conditions. In the conditions as they exist in India today, any type of weight and measure can be used in a transaction. As was stated by the previous speaker, even stone weights are being used. Even yards are being used instead of metres, although the manufacturers of textiles are using metres. That way consumers are being cheated. Even *seers* are still being used in some of the States. But there is no law to check it so far except in the six States and Union Territories that I have mentioned. Anybody can get away with anything. Now, if we are thinking of enforcing a new measure, with the financial constraints that are there, as most of the hon. Members who spoke on this Bill have said, it may be difficult immediately to fully implement and enforce all the provisions of this Act. I admit that it will be difficult. We have to go a little slow, and it is no use providing for a very deterrent and heavy punishment if we cannot deal with the offences effectively. We need a large staff for this purpose. The staff has to be employed by the States. The States will have to provide for it in the States' Plans. We are trying to help the States to get as much money sanctioned for their Plans for this purpose as possible. But everyone knows the financial constraints that the country is facing. Therefore, what is thought proper, is to provide for punishment which should be sufficient, which should be deterrent, and, as you would see, there may be very few laws in this country on specific subjects where different types of offences have been specially mentioned separately—minor offences major offences, offence for the first time, offence for the second time. The whole Chapter IX and the clauses 36 to 66-there are 31 clauses—are there providing different types of penalties for different types

[Rao Birendra Singh]

of offences. That is with a view to differentiating between one offence and another. My friend, Mr. Babul Reddy, probably did not carefully read the Bill. Clause 54 is not to provide penalty for the manufacturer or the seller. It is with regard to sale of rejected weights and measures only for which there is no bar. They are sold as scrap. But if they find their way to a trader, then there is punishment for the seller or the person who is responsible for it. But for manufacturers and dealers, the sellers of weights and measures and the manufacture, there is a separate clause, 36 and one year's punishment is provided and for the second offence it is three years' imprisonment. I hope that will satisfy the honourable Members. It is like that in every clause. I would not like to go into the datails. If even these punishment can be dealt to the offendrs then I think the consumers will benefit a lot in this country. As I said earlier when I moved for consideration of this Bill, we are lagging miserably in this matter in our country. Even today there is no check on whether a thermometer gives correct reading or not. A peson might get unnecessarily worried. The thermometer might show a wrong temperature and one goes with modication for a long time resulting in one's ultimate death. Similar is the case with the blood pressure gauge. If my blood pressure is shown too high, whenever I go to the doctor here in the Parliament House, I will get higher and higher blood pressure everytime I get checked. But you cannot punish the manufacturer here in this country nor the people who are utilising such machines showing false readings. The same is the case all over. In trade anything can be manufactured by anybody anywhere. It also goes against the country's interests in trade with other countries. Advanced countries will fight shy of getting precision goods from India. As it is now there is no law binding on the manufacturers to produce items according to specifications. Similarly with medicines. A little difference in the weight of a compound in a life-saving drug can make a lot of difference. These are the various things which we want to look after, to cover, under this Bill.

Then there are malpractices all over. Farmers are being cheated, as our friends have mentioned. Things are being sold by heaps. No weight is stated against the money that is offered. Even textiles and other things are sold by *ghatries*. The buyer does not know what he is buying. Now we have tried to cover all these things. But, at the same time, as was mentioned by one of the honourable Members in his speech, we must ensure that there is no undue harassment of the traders. You will be glad to know, Sir, that even that has been looked after in this Act. If an Inspector, as Mr. Khandelwal was feeling apprehensive, misuses his powers, this Government officer, this Inspector, can also be punished and there is imprisonment for this offence. If he tries to search any premises without proper information about the offence, he is likely to be prosecuted and he can be sentenced to imprisonment and there will be very few Acts wherein Government servants can also be dealt with like ordinary offenders against the Act if they misuse their powers. We also do not want that the people in the villages should be harassed and that is why we have provided that vendors will not be subject to the provision for registration nor will the Government be so strict about checking their weights and measures which they are using. But, as Mr. Matto wanted, this Act will cover also the rural areas and it is not only for the urban areas. Anybody using weights and measures for transactions will have to get himself or herself registered and, after registration, the Inspectors will be entitled to check periodically the weihts and measures that are being used. But it is not possible to apply this Act in the case of ordinary cheating to which a trader may resort. It was suggested that if somebody weights less quantity of any particular commodity being sold he can also be booked under this Act. But he can be looked after by other laws because this is clear cheating when somebody gives you something less for the money that he charges for the full quantity. Therefore, essentially, the subject of this Bill is standard of weights and measures and their enforcement in this country.

Sir, I welcome the suggestion of Mr. Ramakrishnan who said that even at the

initial stage a lot more ground has to be covered in this new area and that we need an Advisory Committee at least at the Centre. Since this Act is to be adminstered by the States, we need not have any special officers for this purpose here at the Centre. But my Ministry will be monitoring it just as we are monitoring the implementation of the Essential Commodities Act and the Prevention of Blackmarketing and Maintenance of Essential Supplies Act. Similarly, we shall also see how this Act is being implemented. But Mr. Ramakrishnan would be glad to know that we have decided to set up an Advisory Committee at the Centre...

SHRI R. RAMAKRISHNAN: Very good.

RAO BIRENDRA SINGH:... for Legal Metrology. That is being set up. In fact, a decision has already been taken and it will be composed of experts on the subject so that any difficulties that come in our way can be sorted out, the implementation can be improved and the States can be advised because they will be entering into new fields. But by experience, I hope, the cooperation of all the States to implement this Act being available to us, India will come forward in a big way in a matter in which we have been left behind so far. This will help manufacture of better goods for consumers, it will prevent the cheating of consumers, it will help our trade and commerce with other countries, it will mean better standardisation of everything and in general the trade practices in our country are bound to become generally fairer trade practices with the passing of this Bill.

With these words, Sir, I through you, appeal to the House to pass this Bill. Thank you.

THE VICE-CHAIRMAN (SHRI SANTOSH KUMAR SAHU): The question is:

"That the Bill to provide for the enforcement of the standards of weights and measures established by or under the Standards of Weights and Measures Act, 1976, and for matters connected therewith or incidental thereto, be taken into consideration."

The motion was adopted.

THE VICE-CHAIRMAN (SHRI SANTOSH KUMAR SAHU): Now we shall take up clause by clause consideration of the Bill.

Clauses 2 to 25 were added to the Bill.

Clause 1 (Short title, extent and commencement)

THE VICE-CHAIRMAN (SHRI SANTOSH KUMAR SAHU): There is one amendment.

RAO BIRENDRA SINGH: Sir, I beg to move:

2. "That at page 1, line for the figure "1984" the figure '1985' be substituted."

The question was put and the motion was adopted.

THE VICE-CHAIRMAN (SHRI SANTOSH KUMAR SAHU): The question is:

"That clause 1, as amended, stand part of the Bill."

The motion was adopted.

Enacting Formula

RAO BIRENDRA SINGH: Sir, I beg to move:

1. "That at page 1, line 1 for the word Thirty-fifth' the word 'Thirty-sixth be substituted."

The question was put and the motion was adopted.

THE VICE-CHAIRMAN (SHRI SANTOSH KUMAR SAHU): The question is:

"That the Enacting formula, as amended, stand part of the Bill."

[Shri Santosh Kumar Sahu]

The motion was adopted.

Clauses 1. as amended, the Enacting Formula, as amended, and the Title were added to the Bill.

RAO BIRENDRA SINGH: I beg to move:

"That the Bill, as amended, be passed."

The question was put and the motion was adopted.

6.00 P.M

ANNOUNCEMENT RE. THE ALLOCATION OF TIME FOR GOVERNMENT LEGISLATIVE AND OTHER BUSINESS

THE VICE-CHAIRMAN (SHRI SANTOSH KUMAR SAHU: I have to inform Members that the Business Advisory Committee at its meeting held today, the 25th July, 1985, allotted time for Government Legislative and other Business as follows:

Business	Time Allotted
1. Consideration and passing/return of the following Bills, as passed by Lok Sabha:—	
(a) The State Financial Corporations (Amendment) Bill, 1985.	2 hrs.
(b) The Punjab Appropriation (No. 3) Bill, 1985.	4 hrs.
2. Discussion on the 33rd and 34th Reports of the Union Public Service Commission	4 hrs.

THE VICE-CHAIRMAN (SHRI SANTOSH KUMAR SAHU): The House stands adjourned till 11 o'clock tomorrow.

The House then adjourned at two minutes past six of the clock, till eleven of the clock, on Friday, the 26th July, 1985.

GMGIPMRND—LSI—671 RS—17-1-86—